

Remarks

By this amendment, Independent Claims 1 and 14 have been amended to recite patentable limitations. No new subject matter has been added because of these amendments. Claims 2-13 and 15-18 remain as filed. Claims 19 and 20 remain withdrawn.

A preliminary amendment was filed on March 26, 2008 reciting the claim amendments presented herein. A restriction requirement was mailed on June 13, 2008. Applicant then responded to this restriction requirement on July 11, 2008. In the response to the restriction requirement filed on July 11, 2008, Applicant inadvertently presented the originally filed claims and not the amendment claims filed with the preliminary amendment of March 26, 2008. The Examiner examined the claims as originally filed. During a telephone conversation with Examiner Orwig on January 28, 2009, the Examiner indicated that an office action response presenting the previously amended claims in a new amendment form would be proper. Applicant has proceeded accordingly.

Pursuant to the Office Action mailed October 30, 2008, claims 1, 2, 6, 7, and 8-11 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,267,744 (Roberts) in view of U.S. Patent No. 5,092,318 (More I). Claims 1 and 3-5 stand rejected under 35 U.S.C. 103(a) as being obvious over Roberts in view of More I and further in view of U.S. Patent No. 4,905,692 (More II). Claims 1 and 12-18 stand rejected under 35 U.S.C. 103(a) as being obvious over Roberts in view of More I and further in view of U.S. Patent No. 6,495,229 (Carte).

Independent claim 1 has been amended to generally recite that the yarns in the warp direction are positioned such that each single elastic yarn is separated from other elastic yarns by at least one cotton yarn. Independent claim 14 further recites that the the substrate comprises an elastic yarn in the warp direction and a pair of cotton yarns in the warp direction lying on respective opposing sides of the elastic yarn to cover and enclose the elastic yarn within a layer of inelastic yarns. This unique combination of separating each elastic yarn by at least one cotton yarn provides increased patient comfort because the elastic yarns are not twisted within each cotton yarn and are

positioned such that elastic yarns are completely covered and enclosed by the cotton yarns therefore prohibiting contact of the elastic yarns with the patient's skin. The references of record do not teach such a combination. Accordingly, Applicant submits that the presently amended application is patentable over the references of record as presented herein.

The Director is hereby authorized to charge any additional fees or any underpayments which may be required for the above-referenced application to Deposit Account No. 01-0265.

Respectfully submitted,

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